

**2013 DRAFTING REQUEST**

**Bill**

Received:	<b>2/27/2014</b>	Received By:	<b>gmalaise</b>
Wanted:	<b>As time permits</b>	Same as LRB:	
For:	<b>Cory Mason (608) 266-0634</b>	By/Representing:	<b>Alex Madorsky</b>
May Contact:		Drafter:	<b>gmalaise</b>
Subject:	<b>Employ Priv - family leave</b>	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**  
 Requester's email: **Rep.Mason@legis.wisconsin.gov**  
 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Leave from employment to serve as organ donor

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	gmalaise 3/12/2014	kfollett 3/6/2014	rschluet 3/6/2014	_____	srose 3/6/2014		State S&L
/1		kfollett 3/12/2014	jfrantze 3/12/2014	_____	mbarman 3/12/2014	lparisi 3/14/2014	State S&L

FE Sent For:

<END>

@  
INTRO

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Leave from employment to serve as organ donor ✓

## **Instructions:**

See attached

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/P1	gmalaise 2/27/2014	kfollett 3/6/2014	rschluet 3/6/2014	_____	srose 3/6/2014		State S&L

FE Sent For:

*1/kse*  
*3/12*

<END>

# **2013 DRAFTING REQUEST**

## **Bill**

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 Wanted: **As time permits** Same as LRB:  
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 May Contact: Drafter: **gmalaise**  
 Subject: **Employ Priv - family leave** Addl. Drafters:  
 Extra Copies:

Submit via email: **YES**  
 Requester's email: **Rep.Mason@legis.wisconsin.gov**  
 Carbon copy (CC) to:

## **Pre Topic:**

No specific pre topic given

## **Topic:**

Leave from employment to serve as organ donor *L*

## **Instructions:**

See attached

## **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	gmalaise	1P1/5F 3/6	1P1/5F 3/6	<i>[Signature]</i> 3/6/14			

FE Sent For:

<END>

**Malaise, Gordon**

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**From:** Dodge, Tamara  
**Sent:** Thursday, February 27, 2014 9:44 AM  
**To:** Duchek, Michael; Malaise, Gordon  
**Subject:** Rep. Mason request

Mike and Gordon,

I had a phone conversation with Alex from Rep. Mason's office. Rep. Mason would like a bill to extend FMLA to living organ donors who aren't directly related to the organ recipient. (Apparently now, you can obtain leave if you are a relative to the recipient to whom you are donating the organ.) He wants to extend these benefits regardless how long the donor has been with the employer and regardless of the status (hourly, salary) of the employee. He wants a /P draft.

As I type this, it sounds more employment than health. But, even if it is health, I hoping you can draft that portion, Mike. I'll pretty swamped at the moment. Will the drafter who ends up with this draft please contact Alex in Rep. Mason's office to let him know who has it?

Thanks,  
Tami

**Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)



State of Wisconsin  
2013-2014 LEGISLATURE

IN ~~AD~~ 2/27



LRB-4357/P1  
GMM.../g...

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen

- 1 AN ACT ...; **relating to:** leave from employment for the purpose of serving as an  
2 organ donor.

---

***Analysis by the Legislative Reference Bureau***

Under current law, an employer, including the state, employing at least 50 individuals on a permanent basis in this state (employer) must permit an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52-week period (employee) to take six weeks of family leave in a 12-month period and two weeks of medical leave in a 12-month period. Family leave may be taken for the birth or adoptive placement of a new child or to care for a child, spouse, domestic partner, or parent who has a serious health condition. Medical leave may be taken when the employee has a serious health condition that makes the employee unable to perform the employee's employment duties. ✓

An employee is not entitled to receive wages or salary while taking family or medical leave, but may substitute, for portions of family or medical leave, other types of paid or unpaid leave provided by the employer. An employee who intends to take family or medical leave for the birth or adoptive placement of a child or for planned medical treatment must give the employer advance notice of the birth or adoptive placement or planned medical treatment. In addition, for planned medical treatment, the employee must make a reasonable effort to schedule the medical treatment so that it does not unduly disrupt the operations of the employer, subject to the approval of the health care provider of the person receiving the medical treatment. Also, if an employee requests family or medical leave due to a serious

X

health condition of the employee or of a child, spouse, domestic partner, or parent, the employer may require certification of that condition from a health care provider or a Christian Science practitioner.

This bill allows an employee of an employer to take no more than six weeks of leave in a 12-month period for the purpose of serving as a donor of an organ that requires the continuous circulation of blood to remain useful for purposes of transplantation (organ) if the employee provides the employer with written verification that the employee is to serve as an organ donor (organ donation leave). The bill applies to any employee of an employer regardless of the number of weeks and hours that the employee has worked for the employer, except that the bill does not apply to a state employee who under current law is already permitted to take a leave of absence of 30 workdays for the purpose of serving as an organ donor.

An employee is not entitled to receive wages or salary while taking organ donation leave, but may substitute, for portions of that leave, other types of paid or unpaid leave provided by the employer. An employee who intends to take organ donation leave must give the employer advance notice of the organ donation and must make a reasonable effort to schedule the organ donation so that the organ donation does not unduly disrupt the operations of the employer, subject to the approval of the health care provider of the organ donee.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 103.10 (title) of the statutes is amended to read:

2       **103.10 (title) Family ~~or~~, medical, and organ donation leave.**

3       **SECTION 2.** 103.10 (1) (er) of the statutes is created to read:

4       103.10 (1) (er) "Organ" has the meaning given for "human organ" in s. 230.35  
5       (2d) (a) 2.

6       **SECTION 3.** 103.10 (1m) (title) of the statutes is amended to read:

7       103.10 (1m) (title) STATEWIDE FAMILY AND MEDICAL LEAVE; STATEWIDE CONCERN;  
8       UNIFORMITY.

9       **SECTION 4.** 103.10 (1m) (a) of the statutes is amended to read:

10       103.10 (1m) (a) The legislature finds that the provision of family and medical  
11       leave that is uniform throughout the state is a matter of statewide concern and that

1 the enactment of an ordinance by a city, village, town, or county that requires  
2 employers to provide employees with leave from employment, paid or unpaid, for any  
3 of the reasons specified in par. (c) would be logically inconsistent with, would defeat  
4 the purpose of, and would go against the spirit of this section. Therefore, with respect  
5 to family and medical leave, this section shall be construed as an enactment of  
6 statewide concern for the purpose of providing family and medical leave that is  
7 uniform throughout the state.

8 **SECTION 5.** 103.10 (1m) (d) of the statutes is renumbered 103.10 (1m) (d) (intro.)  
9 and amended to read:

10 103.10 (1m) (d) (intro.) This subsection does not affect an ordinance affecting  
11 leave any of the following:

12 1. Leave from employment of an employee of a city, village, town, or county.

13 **SECTION 6.** 103.10 (1m) (d) 2. of the statutes is created to read:

14 103.10 (1m) (d) 2. Organ donation leave.

15 **SECTION 7.** 103.10 (2) (a) of the statutes is amended to read:

16 103.10 (2) (a) Nothing in this section prohibits an employer from providing  
17 employees with rights to family leave or, medical leave which, or organ donation  
18 leave that are more generous to the employee than the rights provided under this  
19 section.

20 **SECTION 8.** 103.10 (2) (c) of the statutes is amended to read:

21 103.10 (2) (c) This Subject to sub. (4m), this section only applies to an employee  
22 who has been employed by the same employer for more than 52 consecutive weeks  
23 and who worked for the employer for at least 1,000 hours during the preceding  
24 52-week period.



1 **SECTION 9.** 103.10 (2) (d) of the statutes is created to read:

2 103.10 (2) (d) This section does not apply to an employee, as defined in s. 230.03

3 (1h), who requests a leave of absence under s. 230.35 (2d) (c) for the purpose of serving  
4 as an organ donor.

5 **SECTION 10.** 103.10 (4m) of the statutes is created to read:

6 103.10 (4m) ORGAN DONATION LEAVE. Subject to subs. (2) (d) and (6) (c), an  
7 employee may take no more than 6 weeks of organ donation leave in a 12-month  
8 period for the purpose of serving as an organ donor if the employee provides his or  
9 her employer with written verification that the employee is to serve as an organ  
10 donor. Notwithstanding sub. (2) (c), this subsection applies to any employee of an  
11 employer.

12 **SECTION 11.** 103.10 (5) (a) of the statutes is amended to read:

13 103.10 (5) (a) This section does not entitle an employee to receive wages or  
14 salary while taking family leave or, medical leave, or organ donation leave.

15 **SECTION 12.** 103.10 (5) (b) of the statutes is amended to read:

16 103.10 (5) (b) An employee may substitute, for portions of family leave or,  
17 medical leave, or organ donation leave, paid or unpaid leave of any other type  
18 provided by the employer.

History: 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33; 2009 a. 28; 2011 a. 16.

19 **SECTION 13.** 103.10 (6) (c) of the statutes is created to read:

20 103.10 (6) (c) If an employee intends to take leave under sub. (4m) for the  
21 purpose of serving as an organ donor, the employee shall do all of the following:

22 1. Make a reasonable effort to schedule the conference or activity so that the  
23 ~~conference or activity~~ does not unduly disrupt the employer's operations, subject to  
24 the approval of the health care provider of the organ donee.

the organ donation

use this

organ donation

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2. Give the employer advance notice of the ~~conference or activity~~ in a reasonable and practicable manner.

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**SECTION 14.** 103.10 (8) (a) (intro.) of the statutes is amended to read:

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103.10 (8) (a) (intro.) Subject to par. (c), when an employee returns from family leave ~~or~~, medical leave, or organ donation leave, his or her employer shall immediately place the employee in an employment position as follows:

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**SECTION 15.** 103.10 (8) (a) 1. of the statutes is amended to read:

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103.10 (8) (a) 1. If the employment position ~~which~~ that the employee held immediately before the family leave ~~or~~, medical leave, or organ donation leave began is vacant when the employee returns, in that position.

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**SECTION 16.** 103.10 (8) (a) 2. of the statutes is amended to read:

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103.10 (8) (a) 2. If the employment position ~~which~~ that the employee held immediately before the family leave ~~or~~, medical leave, or organ donation leave began is not vacant when the employee returns, in an equivalent employment position having equivalent compensation, benefits, working shift, hours of employment, and other terms and conditions of employment.

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**SECTION 17.** 103.10 (8) (b) of the statutes is amended to read:

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103.10 (8) (b) No employer may, because an employee received family leave ~~or~~, medical leave, or organ donation leave, reduce or deny an employment benefit ~~which~~ that accrued to the employee before his or her leave began or, consistent with sub. (9), accrued after his or her leave began.

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**SECTION 18.** 103.10 (8) (c) of the statutes is amended to read:

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103.10 (8) (c) Notwithstanding par. (a), if an employee on ~~a~~ family leave, medical ~~or~~ family leave, or organ donation leave wishes to return to work before the end of the leave as scheduled, the employer shall place the employee in an

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1 employment position of the type described in par. (a) 1. or 2. within a reasonable time  
2 not exceeding the duration of the leave as scheduled.

3 **SECTION 19.** 103.10 (9) (a) of the statutes is amended to read:

4 103.10 (9) (a) Except as provided in par. (b), nothing in this section entitles a  
5 returning employee to a right, employment benefit, or employment position to which  
6 the employee would not have been entitled had he or she not taken family leave ~~or~~,  
7 medical leave, or organ donation leave or to the accrual of any seniority or  
8 employment benefit during a period of family leave ~~or~~, medical leave, or organ  
9 donation leave.

10 **SECTION 20.** 103.10 (9) (b) of the statutes is amended to read:

11 103.10 (9) (b) Subject to par. (c), during a period an employee takes family leave  
12 ~~or~~, medical leave, or organ donation leave, his or her employer shall maintain group  
13 health insurance coverage under the conditions that applied immediately before the  
14 family leave ~~or~~, medical leave, or organ donation leave began. If the employee  
15 continues making any contribution required for participation in the group health  
16 insurance plan, the employer shall continue making group health insurance  
17 premium contributions as if the employee had not taken the family leave ~~or~~, medical  
18 leave, or organ donation leave.

19 **SECTION 21.** 103.10 (9) (c) 4. of the statutes is amended to read:

20 103.10 (9) (c) 4. If an employee ends his or her employment with an employer  
21 during or within 30 days after a period of family leave ~~or~~, medical leave, or organ  
22 donation leave, the employer may deduct from the amount returned to the employee  
23 under subd. 3. any premium or similar expense paid by the employer for the  
24 employee's group health insurance coverage while the employee was on family leave  
25 ~~or~~, medical leave, or organ donation leave.

1           **SECTION 22.** 103.10 (9) (d) of the statutes is amended to read:

2           103.10 (9) (d) If an employee ends his or her employment with an employer  
3 during or at the end of a period of family leave ~~or~~, medical leave, or organ donation  
4 leave, the ~~time~~ period for conversion to individual coverage under s. 632.897 (6) shall  
5 be calculated as beginning on the day ~~that~~ on which the employee began the period  
6 of family leave ~~or~~, medical leave, or organ donation leave.

7           **SECTION 23.** 103.10 (10) of the statutes is amended to read:

8           103.10 (10) ALTERNATIVE EMPLOYMENT. Nothing in this section prohibits an  
9 employer and an employee with a serious health condition from mutually agreeing  
10 to alternative employment for the employee while the serious health condition lasts.  
11 No period of alternative employment, with the same employer, reduces the  
12 employee's right to family leave ~~or~~, medical leave, or organ donation leave.

13           **SECTION 24.** 103.10 (12) (d) of the statutes is amended to read:

14           103.10 (12) (d) The department shall issue its decision and order within 30 days  
15 after the hearing. If the department finds that an employer violated sub. (11) (a) or  
16 (b), it may order the employer to take action to remedy the violation, including  
17 providing the requested family leave ~~or~~, medical leave, or organ donation leave,  
18 reinstating an employee, providing back pay accrued not more than 2 years before  
19 the complaint was filed, and paying reasonable actual attorney fees to the  
20 complainant.

21           **SECTION 25.** 103.10 (14) (b) of the statutes is amended to read:

22           103.10 (14) (b) Any person employing at least 25 individuals shall post, in one  
23 or more conspicuous places where notices to employees are customarily posted, a  
24 notice describing the person's policy with respect to leave for the reasons described  
25 in subs. (3) (b) ~~and~~, (4) (a), and (4m).

**SECTION 30.** 893.96 (title) of the statutes is repealed and recreated to read:

**893.96 (title) Family, medical, and organ donation leave; civil remedies.**

**SECTION 31. Initial applicability.**

(1) This act first applies to an employee, as defined in section 103.10 (1) (b) of the statutes, who is affected by a collective bargaining agreement that contains provisions that are inconsistent with this act on the day on which the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.

**SECTION 32. Effective date.**

(1) This act takes effect on the first day of the 3rd month beginning after publication.

**(END)**

**Malaise, Gordon**

---

**From:** Madorsky, Alex  
**Sent:** Wednesday, March 12, 2014 1:28 PM  
**To:** Malaise, Gordon  
**Subject:** LRB-4357  
**Attachments:** 13-4357\_P1.pdf

Hi Gordon,

We'd like this proposal drafted for introduction. Thanks!

**Alex Madorsky**  
**Office of State Representative Cory Mason**  
**66<sup>th</sup> Assembly District**  
State Capitol, Room 6 North  
PO Box 8953, Madison, WI 53708  
Phone: (608) 266-0634  
Toll-free: (888) 534-0066



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-4357/R  
GMM:kjf:rs

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

IN 3/12  
Today  
(Insert to 11)

pb

resen

1 AN ACT *to renumber and amend* 103.10 (1m) (d); *to amend* 103.10 (title),  
2 103.10 (1m) (title), 103.10 (1m) (a), 103.10 (2) (a), 103.10 (2) (c), 103.10 (5) (a),  
3 103.10 (5) (b), 103.10 (8) (a) (intro.), 103.10 (8) (a) 1., 103.10 (8) (a) 2., 103.10 (8)  
4 (b), 103.10 (8) (c), 103.10 (9) (a), 103.10 (9) (b), 103.10 (9) (c) 4., 103.10 (9) (d),  
5 103.10 (10), 103.10 (12) (d) and 103.10 (14) (b); *to repeal and recreate* 893.96  
6 (title); and *to create* 103.10 (1) (er), 103.10 (1m) (d) 2., 103.10 (2) (d), 103.10  
7 (4m) and 103.10 (6) (c) of the statutes; **relating to:** leave from employment for  
8 the purpose of serving as an organ donor.

---

*Analysis by the Legislative Reference Bureau*

Under current law, an employer, including the state, employing at least 50 individuals on a permanent basis in this state (employer) must permit an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52-week period (employee) to take six weeks of family leave in a 12-month period and two weeks of medical leave in a 12-month period. Family leave may be taken for the birth or adoptive placement of a new child or to care for a child, spouse, domestic partner, or parent who has a serious health condition. Medical leave may be taken when the employee has a serious health condition that makes the employee unable to perform the employee's employment duties.

An employee is not entitled to receive wages or salary while taking family or medical leave, but may substitute, for portions of family or medical leave, other types of paid or unpaid leave provided by the employer. An employee who intends to take family or medical leave for the birth or adoptive placement of a child or for planned medical treatment must give the employer advance notice of the birth or adoptive placement or planned medical treatment. In addition, for planned medical treatment, the employee must make a reasonable effort to schedule the medical treatment so that it does not unduly disrupt the operations of the employer, subject to the approval of the health care provider of the person receiving the medical treatment. Also, if an employee requests family or medical leave due to a serious health condition of the employee or of a child, spouse, domestic partner, or parent, the employer may require certification of that condition from a health care provider or a Christian Science practitioner.

This bill allows an employee of an employer to take no more than six weeks of leave in a 12-month period for the purpose of serving as a donor of an organ that requires the continuous circulation of blood to remain useful for purposes of transplantation (organ) if the employee provides the employer with written verification that the employee is to serve as an organ donor (organ donation leave). The bill applies to any employee of an employer regardless of the number of weeks and hours that the employee has worked for the employer, except that the bill does not apply to a state employee who under current law is already permitted to take a leave of absence of 30 workdays for the purpose of serving as an organ donor.

An employee is not entitled to receive wages or salary while taking organ donation leave, but may substitute, for portions of that leave, other types of paid or unpaid leave provided by the employer. An employee who intends to take organ donation leave must give the employer advance notice of the organ donation and must make a reasonable effort to schedule the organ donation so that the organ donation does not unduly disrupt the operations of the employer, subject to the approval of the health care provider of the organ donee.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 103.10 (title) of the statutes is amended to read:

2           **103.10 (title) Family or, medical, and organ donation leave.**

3           SECTION 2. 103.10 (1) (er) of the statutes is created to read:

4           103.10 (1) (er) “Organ” has the meaning given for “human organ” in s. 230.35

5           (2d) (a) 2.



1           **SECTION 3.** 103.10 (1m) (title) of the statutes is amended to read:

2           103.10 (1m) (title) ~~STATEWIDE~~ FAMILY AND MEDICAL LEAVE; STATEWIDE CONCERN;  
3           UNIFORMITY.

4           **SECTION 4.** 103.10 (1m) (a) of the statutes is amended to read:

5           103.10 (1m) (a) The legislature finds that the provision of family and medical  
6           leave that is uniform throughout the state is a matter of statewide concern and that  
7           the enactment of an ordinance by a city, village, town, or county that requires  
8           employers to provide employees with leave from employment, paid or unpaid, for any  
9           of the reasons specified in par. (c) would be logically inconsistent with, would defeat  
10          the purpose of, and would go against the spirit of this section. Therefore, with respect  
11          to family and medical leave, this section shall be construed as an enactment of  
12          statewide concern for the purpose of providing family and medical leave that is  
13          uniform throughout the state.

14          **SECTION 5.** 103.10 (1m) (d) of the statutes is renumbered 103.10 (1m) (d) (intro.)  
15          and amended to read:

16          103.10 (1m) (d) (intro.) This subsection does not affect an ordinance affecting  
17          leave any of the following:

18                1. Leave from employment of an employee of a city, village, town, or county.

19          **SECTION 6.** 103.10 (1m) (d) 2. of the statutes is created to read:

20          103.10 (1m) (d) 2. Organ donation leave.

21          **SECTION 7.** 103.10 (2) (a) of the statutes is amended to read:

22          103.10 (2) (a) Nothing in this section prohibits an employer from providing  
23          employees with rights to family leave ~~or~~, medical leave which, or organ donation  
24          leave that are more generous to the employee than the rights provided under this  
25          section.

1           **SECTION 8.** 103.10 (2) (c) of the statutes is amended to read:

2           103.10 (2) (c) ~~This~~ Subject to sub. (4m), this section only applies to an employee  
3 who has been employed by the same employer for more than 52 consecutive weeks  
4 and who worked for the employer for at least 1,000 hours during the preceding  
5 52-week period.

6           **SECTION 9.** 103.10 (2) (d) of the statutes is created to read:

7           103.10 (2) (d) This section does not apply to an employee, as defined in s. 230.03  
8 (10h), who requests a leave of absence under s. 230.35 (2d) (c) for the purpose of  
9 serving as an organ donor.

10          **SECTION 10.** 103.10 (4m) of the statutes is created to read:

11          103.10 (4m) ORGAN DONATION LEAVE. Subject to subs. (2) (d) and (6) (c), an  
12 employee may take no more than 6 weeks of organ donation leave in a 12-month  
13 period for the purpose of serving as an organ donor if the employee provides his or  
14 her employer with written verification that the employee is to serve as an organ  
15 donor. Notwithstanding sub. (2) (c), this subsection applies to any employee of an  
16 employer.

17          **SECTION 11.** 103.10 (5) (a) of the statutes is amended to read:

18          103.10 (5) (a) This section does not entitle an employee to receive wages or  
19 salary while taking family leave ~~or~~, medical leave, or organ donation leave.

20          **SECTION 12.** 103.10 (5) (b) of the statutes is amended to read:

21          103.10 (5) (b) An employee may substitute, for portions of family leave ~~or~~,  
22 medical leave, or organ donation leave, paid or unpaid leave of any other type  
23 provided by the employer.

24          **SECTION 13.** 103.10 (6) (c) of the statutes is created to read:

1           103.10 (6) (c) If an employee intends to take leave under sub. (4m) for the  
2           purpose of serving as an organ donor, the employee shall do all of the following:

3           1. Make a reasonable effort to schedule the organ donation so that the organ  
4           donation does not unduly disrupt the employer's operations, subject to the approval  
5           of the health care provider of the organ donee.

6           2. Give the employer advance notice of the organ donation in a reasonable and  
7           practicable manner.

8           **SECTION 14.** 103.10 (8) (a) (intro.) of the statutes is amended to read:

9           103.10 (8) (a) (intro.) Subject to par. (c), when an employee returns from family  
10          leave ~~or~~, medical leave, or organ donation leave, his or her employer shall  
11          immediately place the employee in an employment position as follows:

12          **SECTION 15.** 103.10 (8) (a) 1. of the statutes is amended to read:

13          103.10 (8) (a) 1. If the employment position ~~which~~ that the employee held  
14          immediately before the family leave ~~or~~, medical leave, or organ donation leave began  
15          is vacant when the employee returns, in that position.

16          **SECTION 16.** 103.10 (8) (a) 2. of the statutes is amended to read:

17          103.10 (8) (a) 2. If the employment position ~~which~~ that the employee held  
18          immediately before the family leave ~~or~~, medical leave, or organ donation leave began  
19          is not vacant when the employee returns, in an equivalent employment position  
20          having equivalent compensation, benefits, working shift, hours of employment, and  
21          other terms and conditions of employment.

22          **SECTION 17.** 103.10 (8) (b) of the statutes is amended to read:

23          103.10 (8) (b) No employer may, because an employee received family leave ~~or~~,  
24          medical leave, or organ donation leave, reduce or deny an employment benefit ~~which~~

1 that accrued to the employee before his or her leave began or, consistent with sub.  
2 (9), accrued after his or her leave began.

3 **SECTION 18.** 103.10 (8) (c) of the statutes is amended to read:

4 103.10 (8) (c) Notwithstanding par. (a), if an employee on ~~a~~ family leave,  
5 medical or family leave, or organ donation leave wishes to return to work before the  
6 end of the leave as scheduled, the employer shall place the employee in an  
7 employment position of the type described in par. (a) 1. or 2. within a reasonable time  
8 not exceeding the duration of the leave as scheduled.

9 **SECTION 19.** 103.10 (9) (a) of the statutes is amended to read:

10 103.10 (9) (a) Except as provided in par. (b), nothing in this section entitles a  
11 returning employee to a right, employment benefit, or employment position to which  
12 the employee would not have been entitled had he or she not taken family leave ~~or,~~  
13 medical leave, or organ donation leave or to the accrual of any seniority or  
14 employment benefit during a period of family leave ~~or,~~ medical leave, or organ  
15 donation leave.

16 **SECTION 20.** 103.10 (9) (b) of the statutes is amended to read:

17 103.10 (9) (b) Subject to par. (c), during a period an employee takes family leave  
18 ~~or,~~ medical leave, or organ donation leave, his or her employer shall maintain group  
19 health insurance coverage under the conditions that applied immediately before the  
20 family leave ~~or,~~ medical leave, or organ donation leave began. If the employee  
21 continues making any contribution required for participation in the group health  
22 insurance plan, the employer shall continue making group health insurance  
23 premium contributions as if the employee had not taken the family leave ~~or,~~ medical  
24 leave, or organ donation leave.

25 **SECTION 21.** 103.10 (9) (c) 4. of the statutes is amended to read:

1           103.10 (9) (c) 4. If an employee ends his or her employment with an employer  
2           during or within 30 days after a period of family leave ~~or~~, medical leave, or organ  
3           donation leave, the employer may deduct from the amount returned to the employee  
4           under subd. 3. any premium or similar expense paid by the employer for the  
5           employee's group health insurance coverage while the employee was on family leave  
6           ~~or~~, medical leave, or organ donation leave.

7           **SECTION 22.** 103.10 (9) (d) of the statutes is amended to read:

8           103.10 (9) (d) If an employee ends his or her employment with an employer  
9           during or at the end of a period of family leave ~~or~~, medical leave, or organ donation  
10          leave, the ~~time~~ period for conversion to individual coverage under s. 632.897 (6) shall  
11          be calculated as beginning on the day ~~that~~ on which the employee began the period  
12          of family leave ~~or~~, medical leave, or organ donation leave.

13          **SECTION 23.** 103.10 (10) of the statutes is amended to read:

14          103.10 (10) ALTERNATIVE EMPLOYMENT. Nothing in this section prohibits an  
15          employer and an employee with a serious health condition from mutually agreeing  
16          to alternative employment for the employee while the serious health condition lasts.  
17          No period of alternative employment, with the same employer, reduces the  
18          employee's right to family leave ~~or~~, medical leave, or organ donation leave.

19          **SECTION 24.** 103.10 (12) (d) of the statutes is amended to read:

20          103.10 (12) (d) The department shall issue its decision and order within 30 days  
21          after the hearing. If the department finds that an employer violated sub. (11) (a) or  
22          (b), it may order the employer to take action to remedy the violation, including  
23          providing the requested family leave ~~or~~, medical leave, or organ donation leave,  
24          reinstating an employee, providing back pay accrued not more than 2 years before

1 the complaint was filed, and paying reasonable actual attorney fees to the  
2 complainant.

3 **SECTION 25.** 103.10 (14) (b) of the statutes is amended to read:

4 103.10 (14) (b) Any person employing at least 25 individuals shall post, in one  
5 or more conspicuous places where notices to employees are customarily posted, a  
6 notice describing the person's policy with respect to leave for the reasons described  
7 in subs. (3) (b) ~~and~~, (4) (a), and (4m).

8 **SECTION 30.** 893.96 (title) of the statutes is repealed and recreated to read:

9 **893.96 (title) Family, medical, and organ donation leave; civil remedies.**

10 **SECTION 31. Initial applicability.**

11 (1) This act first applies to an employee, as defined in section 103.10 (1) (b) of  
12 the statutes, who is affected by a collective bargaining agreement that contains  
13 provisions that are inconsistent with this act on the day on which the collective  
14 bargaining agreement expires or is extended, modified, or renewed, whichever  
15 occurs first.

16 **SECTION 32. Effective date.**

17 (1) This act takes effect on the first day of the 3rd month beginning after  
18 publication.

19 (END)

**Parisi, Lori**

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**From:** Madorsky, Alex  
**Sent:** Friday, March 14, 2014 9:46 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -4357/1 Topic: Leave from employment to serve as organ donor

Please Jacket LRB -4357/1 for the ASSEMBLY.